

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: March 24, 2011
POSITION: Oppose
SPONSOR: California Teamsters Public Affairs Council

BILL NUMBER: SB 609
AUTHOR: G. Negrete McLeod

BILL SUMMARY: Public Employment Relations Board: Final Orders

This bill would make the decision of an administrative law judge (ALJ) final regarding the recognition or certification of an employee organization if the Public Employees Relations Board (PERB) does not issue a ruling that supersedes the decision on or before 180 days after an appeal has been filed.

FISCAL SUMMARY

This bill would not result in increased cost to the state. However, workload pressure on PERB would be created by mandating them to reprioritize their workload to meet the proposed 180 day response timeframe, on specific appeal cases, as outlined in this bill.

COMMENTS

The Department of Finance opposes this bill for the following reasons:

- This bill reduces PERB's ability to prioritize the allocation of resources to the most critical cases.
• This bill mandates a 180 day response only on employee organization appeal cases. This sets a potentially false precedence that these types of appeal cases are the highest priority within PERB.

Existing law establishes PERB as the state agency that has authority to determine in disputed cases, or otherwise approve, appropriate employee organizations and to decide contested matters involving recognition, certification, or decertification of employee organizations.

According to the author, when some aspect of the ALJ decision is disputed and PERB does not respond in a timely fashion, it has the effect of delaying, sometimes by several years, implementation of employee-free choice regarding representation. Moreover, an employer that raises a dispute to an initial representation petition can avoid recognition and bargaining sometimes for years, by which time employees have become disillusioned and the employer unilaterally has been able to make significant changes in wages, benefits, and working conditions without having to negotiate with the employees' chosen representative.

PERB weighs in on different types of appeal cases such as those involving retaliation and discrimination. While PERB states that all appeal cases are important and it is not their intent to delay the processing of any appeal, some take precedence based on priority and urgency.

According to the bill's sponsor, the California Teamsters Public Affairs Council, this bill seeks to prevent prejudicial delay of representation matters pending appeal to PERB.

Analyst/Principal (0931) K. Martone Date Program Budget Manager Diana Ducay Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**AUTHOR**

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SB 609

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	
8320/Employ Rel	SO	No		-----	No/Minor	Fiscal Impact	-----		0001